

The Gazette



of India

EXTRAORDINARY

PART II—Section 3—Sub-section (i)

PUBLISHED BY AUTHORITY

No. 76]

NEW DELHI, FRIDAY, APRIL 26, 1963/VAISAKHA 6, 1885

MINISTRY OF HOME AFFAIRS

NOTIFICATION

*New Delhi, the 25th April, 1963.*

**G.S.R. 740.**—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962 (published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1465, dated the 5th November, 1962), namely:—

1. These rules may be called the Defence of India (Fifth Amendment) Rules, 1963.

2. In sub-rule (3) of rule 30 of the Defence of India Rules, 1962 (hereinafter referred to as the said rules), for the words "removed for such area", the words "removed from such area" shall be substituted.

3. In sub-rule (2) of rule 52 of the said rules, the words "in India" shall be omitted and for the words "extracts thereon", the words "extracts therefrom" shall be substituted.

4. In clause (b) of rule 76 of the said rules, after the words "as the directors of the company may think fit;", the following words and figures shall be inserted, namely:—

"and thereupon that place shall be deemed to be the registered office of the company within the meaning of section 146 of the Companies Act, 1956:—".

5. In clause (c) of sub-rule (1) of rule 93 of the said rules, for the words "grade qualifications", the words "grade and qualifications" shall be substituted.

6. In rule 121 of the said rules,—

(i) in sub-rule (1), for the words "work or thing, in on or over the land", the words "work or thing in, on or over the land" shall be substituted;

(ii) after sub-rule (3), the following sub-rules shall be inserted, namely:—

"(4) No person shall, except with permission granted by or on behalf of the Central Government or the State Government, as the case may be, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this rule.

(5) Anything removed from any land in pursuance of this rule may be sorted, and stored, or disposed of, in such manner as the Central Government or the State Government, as the case may be, may by general or special order direct.

- (6) If any person contravenes any of the provisions of this rule, or any order made thereunder, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

7. In clause (a) of sub-rule (9) of rule 125 of the said rules, for the words "If any person contravenes any order made under this rule", the words "If any person contravenes any provision of this rule or any order made under this rule" shall be substituted.

8. After rule 133-W of the said rules, the following rule shall be inserted, namely:—

"133-X. *Power of Central Government to direct inspection of books and accounts of enemy companies under liquidation.*—(1) Where any company constituted or incorporated in any enemy territory and carrying on business in any place in India is being wound up by the Court or where an application has been made to the Court for an order to sanction a compromise or arrangement in respect of any such company, the liquidator or any Gazetted officer of the Central Government or both may be authorised by the Central Government to make an inspection of the books, accounts and other documents of the company or to cause such inspection to be made under his or their supervision or control by such officer or officers as may be appointed by the liquidator where he alone is so authorised or by the Gazetted officer aforesaid in any other case.

(2) On such inspection, the liquidator or the Gazetted officer aforesaid or, as the case may be, both of them shall submit a report to the Central Government.

(3) If the Central Government on consideration of the report is of the opinion that it is necessary so to do, the Central Government may give suitable directions for the proper custody and preservation of the said books, accounts and other documents and for initiating such proceedings, civil or criminal, in relation to the conduct of affairs of the said company against such persons as may be deemed fit and proper by that Government."

9. In rule 152 of the said rules, for the figures "88, 121", the figures "88, 118, 121" shall be substituted.

[No. F. 3/4/63-Poll(Spl).]

HARI SHARMA, Addl. Secy.